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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/078,714

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5369

7590

03/29/2004

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EXAMINER

GUADALUPE, YARITZA

ART UNIT

PAPER NUMBER

2859

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/078,714

Applicant(s)

CHEN ET AL.

Examiner

Yaritza Guadalupe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 4, 8 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

In response to Applicants remarks filed November 4, 2003

### ***Claim Objections***

1. Claims 1, 4, 5, 8, 9 and 12 are objected to because of the following informalities:
  - a. Claims 1, 4, 5, 8, 9, and 12 refer to a mounting bracket for mounting said laser to the stabilizing bar, wherein said mounting bracket includes a first mounting bracket and a second mounting bracket. This creates some confusion since it is not clear how a mounting bracket can have a first and second mounting bracket. Applicant is recommended to include the word “assembly”, or “means” or “system” after the “mounting bracket” limitation in claims 1, 5 and 9 in order to distinguish the element from the first and second mounting brackets. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3, 5 – 7 and 9 - 11 are rejected under 35 U.S.C. 103 ( a ) as being unpatentable over Stoot (US 5,161,310 ) in view of Huang ( US 5,495,675 ).

Stoot discloses an archery bow sight ( 2, 2' ) adapted for use with an archery bow having a handle ( 12 ) and two oppositely disposed limbs comprising a bow stabilizing bar ( 9 ) extending forwardly from the handle, a sighting device ( 2, 2' ), and a mounting bracket ( 1 ) for mounting said sighting device to said stabilizing bar whereby the sighting device is mounted to the stabilizing bar so as to serve as a framed sighting aid in a direction generally along a portion of the path of an arrow propelled by the bow ( See Figure 1 ).

Stoot does not disclose the laser as stated in claims 1 – 3, 5 – 7 and 9 - 11.

With respect to the laser as stated in the claims : Huang discloses a laser sight for archery bows including a laser ( 6 ) and a laser actuation switch ( 61 ), and an adjustment means for adjusting the direction of the laser light beam produced by said laser ( See Column 2, lines 25 – 32 ). Huang also discloses said mounting bracket including a first mounting bracket ( 1 ), at least a second bracket ( 4 ), and coupling means ( 3 ) for coupling said first bracket and said second bracket together while capturing a bar therebetween. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the mounting bracket and sighting device disclosed by Stoot with a mounting bracket and laser sight mounted to the bar as taught by Huang in order to provide an enhanced laser sight that is suitable to be

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used at night and during the dark and adjustable to different targets at any distance and since the use of a laser sight is considered to be nothing more than the use of one of numerous and well known alternate types of sights that a person having ordinary skill in the art would have been able to provide using routine experimentation in order to increase the visibility in the absence of light as already suggested by Huang.

### ***Response to Arguments***

4. Applicant's arguments filed November 4, 2003 have been fully considered but they are not persuasive.

Applicant states that Stoot does not show the need for a second sighting device and that the replacement of the Stoot sight with a laser sight is improper due to a lack of motivation. These arguments are not found to be persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Stoot and Huang disclose bow sights apparatuses using alternate types of sight means which are considered to be nothing more than the use of one of numerous and well known alternate types of sights that a person having

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ordinary skill in the art would have been able to provide using routine experimentation in order to increase the visibility in the absence of light as already suggested by Huang.

***Allowable Subject Matter***

5. Claims 4, 8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe whose telephone number is (571)272 -2244. The examiner can normally be reached on 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yaritza Guadalupe  
Patent Examiner  
Art Unit 2859  
March 22, 2004

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